

## MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS AND DISTRICT COMMANDS

SUBJECT: Policy Guidance Letter No. 30, Recreation Cost Sharing Credit For Increased Real Estate Interest for Recreation Development at Non-Reservoir Projects

1. References:

- a. ER 1165-2-400, Recreation Planning, Development, and Management Policies
- b. Memorandum to Major Subordinate Commands and District Commands, CERE-AP, 31 May 1991, subject: ER 405-1-12, Real Estate Handbook, Draft Chapter 12, Local Cooperation

2. Applicability. This policy guidance letter is applicable to the planning and development of outdoor recreation facilities at non-reservoir projects with a primary application to structural local flood protection projects.

3. Background. Under the policy contained in reference 1a., development of recreation facilities for non-reservoir projects must be on the land required for the basic project with the exception that additional recreation land may be acquired if needed for access, parking, potable water, sanitation and related development for health, safety, and public access. No credit for recreation cost sharing is granted for any costs of lands within the project boundary acquired for the basic project. Therefore, if only permanent easements are approved for acquisition for a local flood protection project, the local sponsor cannot receive recreation cost sharing credit for the increment of cost for increasing the interest in the project land from easement to fee and recreation development of the project is not eligible for Federal participation since fee title is required for recreation. Current policy on real estate acquisition for flood control, as contained in reference 1b., indicates that the minimum interest that the local sponsor must acquire is permanent easements for levees, floodwalls, other permanent structures, flowage areas, ponding areas for dry dams, channel rectification works, and disposal and borrow areas. Fee acquisition is required for recreation. While the policy does provide that greater estates may be approved by the District Chief of Real Estate under certain conditions, the implication of the real estate policy on recreation is that, in general, the minimum real estate interest required for a local flood protection project is not sufficient to allow for Federal participation in the recreation development of the project.

4. Policy: A policy is established that permits credit for recreation cost sharing for any incremental costs of increasing the real estate interest in land within the boundary acquired for the basic non-reservoir project. The policy applies to cases where the basic non-reservoir project and its associated lands would provide a recreation opportunity but the approved interest in the land acquired for the basic project is not sufficient to allow for recreation use of the land or to allow for development of recreation facilities. In these cases, increasing the interest in real estate (for example from permanent easement to fee) may be included as part of a cost shared recreation development. The non-Federal

sponsor for the recreation development would provide the land in fee for the recreation development and receive appropriate credit for the increment of value above the value of the real estate interest approved for the basic project (permanent easement for example). This policy does not apply to the provision of increased real estate interest for recreation development for temporary construction easements or for permanent easements for disposal and borrow areas and Federal participation in the recreation development of these areas will not be recommended.

5. This policy guidance letter does not impact any other aspect of recreation policy as presented in reference- 1a. The policy contained in this letter will be incorporated into reference 1a. when it is updated and will be incorporated into ER 1105-2-100.

FOR THE COMMANDER:

ARTHUR E. WILLIAMS

Major General, USA

Director of Civil Works

DISTRIBUTION:

COMMANDERS

Lower Mississippi Valley Division

Missouri River Division

New England Division

North Atlantic Division

North Central Division

North Pacific Division

Ohio River Division

Pacific Ocean Division

South Atlantic Division

South Pacific Division

Southwestern Division

COMMANDERS

Alaska District St. Paul District

Albuquerque & District Tulsa District

Baltimore District Vicksburg District

Buffalo District Walla-Walla District

Charleston District Wilmington District

Chicago District

Detroit District

Fort Worth District

Galveston District

Huntington District

Jacksonville District

Kansas City District

Little Rock District

Los Angeles District

Louisville District  
Memphis District  
Mobile District  
Nashville District  
New Orleans District  
New York District  
Norfolk District  
Omaha District  
Philadelphia District  
Pittsburgh District  
Portland District  
Rock Island District  
Sacramento District  
San Francisco District  
Savannah District  
Seattle District  
St. Louis District

Copies Furnished:

CENED-PL CECW-E  
CENAD-PL CECW-O  
CENAN-PL CECW-B  
CENAO-PL CECW-L  
CENAP-PL CERE-AP  
CESAD-PD CECC-J  
CESAC-EN-P CEMP-EA  
CESAJ-PD CEWRC-WLR  
CESAM-PD CECW-PE  
CESAS-PD CECW-PC  
CESAW-PD CECW-PW  
CNCD-PD CECW-PM  
CENCB-EP-P CECW-PO  
CENCC-PD CECW-PD  
CENCE-PD CECW-PR  
CENCR-PD  
CECES-PD  
CEORD-PD  
CEORH-PD  
CEORL-PD  
CEORN-ED-P  
CEORP-PD  
CEMRD-PD  
CEMRO-PD  
CEMRK-PD  
CENPD-PE  
CNPA-EN-PL

CENPP-PL  
CENPS-EN-PL  
CNPW-PL  
CEPOD-ED-P  
CESPD-PD  
CESPL-PD  
CESPK-PD  
CESPN-PE-P  
CESWD-PL  
CESWA-ED-P  
CESWF-PL  
CESWT-PL  
CESWG-PL  
CESWL-PL  
CELMV-PD  
CELMS-PD  
CELMM-PD  
CELMN-PD  
CELMK-PD